Previous references.

Not^n No 175 of 20.7.03
J

File No. 289

1904

(III Courts)

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 142

PART B FOR June 1905

SUBJECT.

Investitures of the magistrates for the time being presiding over the 1st class magistrates court at the R. G. Fields with Summary powers.

FILE No. 289 of 1904-05.

Investiture of the Magistrate for the time being presiding over the 1st Class Magistrate's Court at the Kolar Gold Fields with summary powers.

1 From the District Magistrate of Kolar, No. C. 642, dated the 24th May 1905.

Forwards copy of a letter addressed by him to the Registrar of the Chief Court in the matter, and requests that in case the recommendation made to the Chief Court is not submitted in time, Mr. V. R. Tyagaraja Iyer may be invested with summary powers for the time he holds charge of the Kolar Gold Fields Magistrate's Court.

2 To the Compiler, *Mysore Gazette*, No. J. 3588—C. 289-2, dated the 10th June 1905.

Notifies the investiture of the 1st Class Magistrate for the time being presiding over the Assistant Commissioner and 1st Class Magistrate's Court at the Kolar Gold Fields with the power to try summarily cases arising within the jurisdiction of the said Court.

Endorsement to the Registrar of the Chief Court of Mysore, No. J. 3589—C. 289-2, dated the 10th June 1905.

Forwards copy of the above for information.

Endorsement to the District Magistrate of Kolar, No. J. 3590—C. 289-2, dated the 10th June 1905.

Forwards copy of the above notification with reference to Serial No. 1.

Notn. No. 175—J., dated 20th July 1903.

G. R. S. 11] 1904.

GENERAL AND REVENUE SECRETARIAT.

(Courts.)

NOTES.

File No. 289

FILE HEADING.

Restitution of the magistrate for the time being presiding over the 1st class magistrate's Court at the Kolar Gold fields with summary powers.

From

The District magistrate of Kolar —

No. C. 642 Dated 24/5/05 Received 26/5/05

Diary No. J 1139	Enclos. one Spare Copies. —	Serial No. 1

BRIEF ABSTRACT OF LETTER.

Forwards copy of a letter addressed by him to the Chief Court in the matter, and requests that in case the recommendation made by him to the Chief Court cannot be obtained in time, a 1st class Magistrate may be invested with summary powers for the time he holds charge of the 2nd Magistrate's Court during Mr Bowring's absence.

NOTES AND ORDERS.

The District magistrate thinks that Mr Bowring is likely to be called away for some special duty at Mysore after his return from the 5 days' Casual leave which he has been already sanctioned. — to Mr V. N. Narayana Iyer who has been appointed

Note: file is under issue

NOTES—First sheet.

MGCPB—25,000—18-8-04

Serial No.

To each Mr Bowring's place in addition his own duties during Mr Bowring's absence is not invested with Summary powers, the District magistrate ~~thinks~~ fears that the work of the Kolg. Fields magistrates' Court may fall in arrears To obviate this he ~~does~~ recommends the investiture of Mr Symonds Iyer with Summary powers, also the investiture generally of the magistrate presiding for the time being over the said magistrates' Courts with summary powers as in the case of magistrates presiding the City magistrates' Courts at Mysore & Bangalore.

2 Mr Symonds Iyer was invested with 1st Class powers in August last.

Submitted. Wait for 1 or 2 days till the Ch: Cs letter is received 3.6.05 Submitted a general notification of investiture as suggested in para 1 of the Dist. Magte's letter 27/5/05 27/5/05 27.5.05

No Communication has yet been received from the Chief Court. Submitted for further orders. 2.6.05 2.6.05 5.6.05 Submitted a draft notification of Mr Bowring's absence on leave from the date instant. 5.6.05

5. The general order is submitted to the Government Solicitor thro the Dy Commissioner 5.6.1905

Whether the Govt. Order 2 alleviates the difficulty? 2/6/05

2699 5-6-1905

MGCPB—50,000—17-2-05

G.R.S. 12]
General and Revenue Secretariat.

File No. 285 of 1905

Serial No.

6. The case may yet be heard from the Chief Court. In the meantime, the matter is a pressing one & cannot wait. The vacation Judge may perhaps be memorialled & consulted (Urgent). The general order proposed seems suitable. Summary powers can only be conferred on the Magistrate. & Upon a Towner arrest & bail the accused Magistrate should at any time thereafter be placed in temporary charge of the Goldfields Court. He cannot be considered competent to exercise Summary powers ~~of Magistrate~~. Hence my proposal that the words "Magistrate" be inserted before "Magistrate for the time being" in the Notification of

6.6.1905

6.6.1905

6.6.1905

B Reid 8.7.05

6.9.05

J. Mustham directions have been carried out & that the Cable Cautery due to the Port Hedland Hospital

07.VI.05

Draft approved 6.6.05

NOTE—Contn. sheet.

MGCPB—50,000—17-2 05

G.R.S. 12]
General and Revenue Secretariat. SC

File No. 285 of 190 4

Serial No.	
2	To the Compiler, Mysore Gazette, No J 3588/C 285-28 10/6/05. Notifies the Institution of the 1st class magistracy for the time being presiding over the Court of the Asst Commr & 1st class magistrate of the Nag. Fields with the power to try summarily cases arising within the jurisdiction of the said Court. To the Engineer of the Chief Engineer No. J 3588/C 285-28 the 10th June 05. Forwards copies of the above for information. To the Dist magistrate of Kolar No. J 3550 28 10/6/05. Forwards copy of the notifn, noted in margin.

M. G. dt/15-6-05 Pt I, p. 514

MGCPB—50,000—17-2-05

8491
C.7 289-04

III Mus
Mail
26.5.05

1905 J2439

FROM

K. P. Puttanniah Chetty Esquire
District Magistrate
Kolar District.

To

B.K. Venkatavaradha Iyengar Esqr
Secy: to the Govt: of His Highness
the Maharaja of Mysore
Gen & Rev: Dept.

Dated 24th May 1905.

Despatched 25 —do—

Received

General No.

C No. 641

Enclosure No. One.

Requesting that the
Magistrate for the time
being presiding over the
1st Class Magistrate's Court
at Kolar gold field be
ordered to exercise sum-
mary powers. &c

Office of the District Magistrate—
Kolar District, Camp, Champion Reefs
Dated 24th May 1905.

From,

K.P. Puttanna Chetty Esquire
District Magistrate
Kolar District.

To,

B.K. Venkatavaradaiyengar Esqure
Secy: to the Govt: of His Highness
the Maharaja of Mysore
Gen: & Rev: Departments.

Sir,

I have the honor to forward herewith copy of my letter No. C. 620 dated 22nd Instant, to the Registrar of the Chief Court, requesting that the Government of His Highness the Maharaja of Mysore may be moved to issue an order that the Magistrate, for the time being, presiding over the Court of the Assistant Commissioner and 1st class Magistrate, Kolar Gold Fields, may exercise Summary powers under Sec: 260 C.P.C.

2. I have this day forwarded to you for sanction a leave application on behalf of Mr. Bowring for 5 days casual leave from the 8th proximo, and I understand that he is likely to be deputed for some special duty at Mysore, for a short time, after the expiry of the said leave.

P.

Mr. V.R. Thyagaraja Iyer is the only 1st class Magistrate in the District who could be conveniently placed in charge of this Court during the absence of Mr. Bowring - which may extend to 2 weeks.

3. If the orders of the Government on the recommendation made by me to the Chief Court could not be obtained in time to meet the present contingency, I request that Mr. V.R. Thyagaraja Iyer may be invested with summary powers under Section 260 C.P.C. for the time he holds charge of the Court during the absence of Mr. Bowring, as without it the work of the Court cannot get on. for reasons fully stated in my letter to the Chief Court.

I have the honor to be
Sir
Your most obedient Servant

H. Nuttall
District Magistrate
Kolar District.

No. C.620 Dated Champion Reefs, 22nd May 1905.

From

The District Magistrate,

Kolar District.

To

The Registrar

of the Chief Court of Mysore..

Sir,

I have the honor to state that the Asst. Commissioner & 1st Class Magistrate, Kolar Gold Fields, like the Magistrates presiding over the City Magistrates' Courts at Bangalore and Mysore does purely Criminal work. The file of his Court is more heavy than either of the latter Courts. On an average about 1000 cases are disposed of in this Court for a year. Many of these cases are of a nature that could be disposed of by a summary trial. The Asst Commissioner & 1st Class Magistrate appointed for this Court permanently or for a long period is generally vested with Summary powers. But during the temporary absence of the permanent Magistrate the acting incumbent if he is not already invested with summary powers, finds it impossible to get on with the work as in order to avoid the probability of a new enquiry under Sec.350 C.P. C. he could not either proceed with partly heard cases or take up fresh cases which he cannot dispose of finally before being relieved by the permanent Magistrate. His duty is therefore reduced to reposting of cases, granting remands and doing the routine work which in a purely Criminal Court is almost nil when cases are not enquired into. The work of the Court falls into arrears and the parties suffer thereby.

2. .I expect that such a difficulty may arise shortly as Mr Bowring intends to go on a short leave early next month and it is probable that he will be deputed to some special duty at Mysore for a short time from the date of the expiry of the leave.

3. The Government in their Proceedings No. 3330/J344 dated

the 3rd September 1900 were pleased to order that the Magistrate for the time being presiding over the Courts of the City Magistrates at Bangalore and Mysore may exercise summary powers though they are not invested with that power. The work and importance of the 1st Class Magistrate's Court, Kolar Gold Fields, will compare favorably with the work of the above Courts and make out a case for extending the same special jurisdiction to this Court also.

4. For reasons stated above, I request that the Chief Court will be pleased to move the Government of His Highness the Maharaja of Mysore to order that the Magistrate for the time being presiding over this Court may exercise Summary powers if he is otherwise competent to exercise it under the provisions of Section 260 Criminal Procedure Code.

I have etc.

Sd/ K. P. Puttanna Chetty
District Magistrate.

C O P Y.

District Magistrate,
Kolar District.

Test

Folio 289
Jurisdiction
Notification

4

g 3588 d/10/6/05
C: 289-2

Under Sec 37 of the Code of Criminal Procedure, Act II of 1904, the Magistrate 1st Class, Kolar for the time being presiding over the Court of the Asst Commr and 1st class Magistrate of the Kolar Gold Fields is invested with the powers (under sec 260 Cr P Code) to try summarily Cases arising within the jurisdiction of that Court.

M. G. P. I, p. 514 d/15-6-05.

By order
5.6.1905
Secretary

Cl 6/6/05

SR 5/6/05

To Magistrate, Mysore Gold Fields, for information

g 3589 d/10/6/05
C: 289-2

To the Magistrate of the Chief Court for information.

g 3588 d/10/6/05
C: 289-2

To the District Magistrate of Kolar with reference to his letter No. C 6463 dated 24th May 1905.

By order
5.6.1905
Secretary

7.VI.05

Issued 8/6/1905

Copied 9-6-05
Examined SR 10/6/05

MD 5/6/05